

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERMIN HEREDIA-LOPEZ,

Defendant.

8:20CR20

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 54). The Court has carefully reviewed the record in this case and finds as follows:

1. On February 19, 2021, defendant Fermin Heredia-Lopez ("Heredia-Lopez") pleaded guilty to Count I of the Indictment and admitted the Forfeiture Allegation of the Indictment. Count I of the Indictment charged Heredia-Lopez with conspiracy to distribute and possess with intent to distribute 500 grams or more of methamphetamine and 500 grams or more of a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1).

2. The Forfeiture Allegation sought forfeiture, pursuant to 21 U.S.C. § 853, of certain property. That property includes \$10,300 in United States currency seized on or about January 11, 2020, from a residence at 96th Street, Omaha, Nebraska, because it was derived from proceeds obtained, either directly or indirectly, as a result of the violation and/or was used (or intended to be used) to commit or facilitate the violation.

3. Based on Heredia-Lopez's guilty plea and admission, Heredia-Lopez forfeits his interest in the \$10,300 in United States currency, and the government should be entitled to possession of the currency, pursuant to 21 U.S.C. § 853.

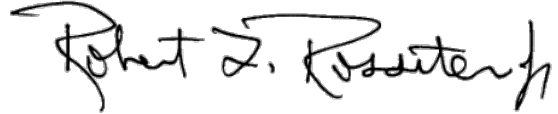
4. The government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 54) is granted.
2. Based upon the Forfeiture Allegation of the Indictment (Filing No. 15) and Heredia-Lopez's guilty plea and admission, the government is hereby authorized to seize the \$10,300 in United States currency.
3. Heredia-Lopez's interest in the \$10,300 in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$10,300 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than Heredia-Lopez, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$10,300 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$10,300 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$10,300 in United States currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 1st day of April 2021.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge